

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRANDON JOHNSON,

Petitioner,

v.

WARDEN,

Respondent.

Case No. 2:23-cv-00908-JDP (HC)

ORDER

This case was opened when Brandon Johnson, a state prisoner without counsel, filed a motion for an extension of time to file a “Habeas Corpus 1983 U.S.C. (42).” ECF No. 1. On May 24, 2023, I denied that motion and notified Mr. Johnson that he had not commenced a civil action. I also granted him thirty days to file a petition for writ of habeas corpus and either pay the required filing fee or file an application requesting leave to proceed *in forma pauperis* in within thirty days. ECF No. 3. In response, Mr. Johnson has filed three motions: a request for clarification, ECF No. 4; a request for instructions, ECF No. 6; and a motion for a six-month extension of time, ECF No. 7.

In the first two motions, Mr. Johnson asks the court several questions, including whether he needed to pay a \$350 filing fee and what are the “next steps in terms of filing.” ECF Nos. 4 & 6. In his third motion, he asks for a six-month extension of time to file a complaint and explains that he wants to pursue a civil rights action and not a “1983 42 [U.S.C.] Habeas.” ECF No. 7. As

1 a civil case has not yet been properly commenced, the court will not issue an order granting or  
2 denying relief. However, in light of Mr. Johnson's statement that he intends to file a civil rights  
3 case, I will grant him opportunity file civil rights complaint along with either an application to  
4 proceed *in forma pauperis* or the required filing fee.

5 Accordingly, it is hereby ORDERED that:

6 1. Mr. Johnson's motions for clarification, instructions, and for an extension of time, ECF  
7 Nos. 4, 6, & 7, are disregarded.

8 2. Mr. Johnson is granted thirty days from the date of this order to file a civil rights  
9 complaint that states the grounds for relief.

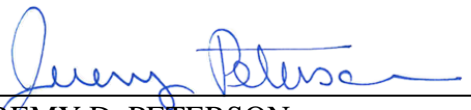
10 3. Within thirty days of the date of this order, Mr. Johnson shall either file an application  
11 for leave to proceed *in forma pauperis* or pay the required filing fee.<sup>1</sup>

12 4. Failure to comply with this order may result in this case being closed.

13 5. The Clerk of Court is directed to send Mr. Johnson the court's form for filing a civil  
14 rights action and an application to proceed *in forma pauperis*.

15 IT IS SO ORDERED.

16 Dated: June 13, 2023

17   
18 JEREMY D. PETERSON  
19 UNITED STATES MAGISTRATE JUDGE

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26 <sup>1</sup> For a civil rights case, the required filing fee is \$350.00 plus a \$52.00 administrative fee.  
27 See 28 U.S.C. §§ 1914(a), 1915(a). If leave to file *in forma pauperis* is granted, Mr. Johnson will  
28 still be required to pay the filing fee but will be allowed to pay it in installments; litigants  
proceeding *in forma pauperis* are not required to pay the \$52.00 administrative fee. For a habeas  
corpus case, the filing fee is \$5.00. See *id.*